

**DEPARTMENT OF HUMAN SERVICES
SENIORS AND PEOPLE WITH DISABILITIES DIVISION
OREGON ADMINISTRATIVE RULES**

**CHAPTER 411
DIVISION 86**

**NURSING FACILITIES/LICENSING –
ADMINISTRATION AND SERVICES**

411-086-0320 Emergency and Disaster Planning
(Amended 10/1/2009)

An emergency preparedness plan is a written procedure that identifies a facility's response to an emergency or disaster for the purpose of minimizing loss of life, mitigating trauma, and to the extent possible, maintaining services for residents, and preventing or reducing property loss.

(1) The nursing facility must prepare and maintain a written emergency preparedness plan in accordance with the Oregon Fire Code (OFC) in [OAR chapter 837, division 040](#) and the 2009 National Fire Protection Association (NFPA) 101 Life Safety Code.

(2) The emergency preparedness plan must:

(a) Include analysis and response to potential emergency hazards including but not limited to:

(A) Evacuation of a facility;

(B) Fire, smoke, bomb threat, or explosion;

(C) Prolonged power failure, water, or sewer loss;

(D) Structural damage;

(E) Hurricane, tornado, tsunami, volcanic eruption, flood, and earthquake;

(F) Chemical spill or leak; and

(G) Pandemic.

(b) Address the medical needs of the residents including:

(A) Access to medical records necessary to provide care and treatment; and

(B) Access to pharmaceuticals, medical supplies, and equipment during and after an evacuation.

(c) Include provisions and supplies sufficient to shelter in place for a minimum of five days without electricity, running water, or replacement staff.

(3) The facility must notify SPD, or the local AAA office or designee, of their status in the event of an emergency that requires evacuation and during any emergent situation when requested.

(4) The facility must conduct a drill of the emergency preparedness plan at least twice a year in accordance with the OFC in [OAR chapter 837, division 040](#) and other applicable state and local codes as required. One of the practice drills may consist of a walk-through of the duties or a discussion exercise with a hypothetical event, commonly known as a tabletop exercise. These simulated drills do not take the place of the required fire drills.

(5) The facility must annually review or update the emergency preparedness plan as required by the OFC in [OAR chapter 837, division 040](#) and the emergency preparedness plan must be available on-site for review upon request.

(6) A summary of the facility's emergency preparedness plan must be submitted to SPD annually on July 1, and at a change of ownership, in a format provided by SPD.

Stat. Auth.: [ORS 410.070, 410.090](#), & [441.055](#)

Stats. Implemented: [ORS 441.055, 441.615](#), & [OL 2007 chapter 205](#)

411-086-0350 Smoking
(Amended 10/1/2009)

- (1) A nursing facility must be in compliance with:
 - (a) The Oregon Indoor Clean Air Act, [ORS 433.835 to 433.875](#);
 - (b) The rules in [OAR chapter 333, division 015](#); and
 - (c) Any other applicable state and local laws.
- (2) A facility must provide a place of employment that is free of tobacco smoke for all employees.
- (3) Smoking may only be allowed outside the facility as prescribed by [OAR 333-015-0064](#).
- (4) The facility must take adequate precautions to protect all residents from injury where residents are allowed and choose to smoke.
- (5) The facility must develop and implement a smoking policy that includes resident assessment and care planning.
- (6) If the facility's smoking policy changes, the licensee must provide written notice to all residents 30 days' prior to such change.
- (7) Nothing in this rule shall prevent the licensee from designating any part of the facility or the entire facility as a non-smoking area. If the facility decides to designate the entire facility as a non-smoking area, all persons admitted thereafter must be so notified by the facility prior to or at the time of admission. Such facility must continue to provide an outdoor smoking area as prescribed by [OAR 333-015-0064](#) for residents who smoke and were admitted prior to the facility decision.

Stat. Auth.: [ORS 410.070, 410.090](#), & [441.055](#)

Stats. Implemented: [ORS 433.835 to 433.990, 441.055, & 441.615](#)